

26 March 1849. 12 VICT.



(Ireland.)

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# B I L L

TO

Alter and amend the Law relating to Proceedings  
by Attachments in Courts of Record in the City  
of Dublin, and other Boroughs in Ireland.

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[Note. — The Words printed in *Italics* are proposed to be inserted  
in the Committee.]

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**W**HEREAS it is expedient and would tend to the more Possible.  
beneficial Administration of Justice in the Court of Record  
of the Borough of Dublin and in the Courts of Record  
of other Boroughs in Ireland, and would prevent the improvident  
and injurious Seizure of Goods in such Boroughs, if the Process now in  
force of proceeding by way of Attachment of Goods for compelling the  
Appearance of a Defendant as well as the Process of Foreign Attachment  
in the said Courts were to cease and determine: Be it therefore  
enacted by the Queen's most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and Com-  
mons, in this present Parliament assembled, and by the Authority of  
the same, That from and after the *passing of this Act* it shall not be  
lawful for any Person to proceed by way of Attachment against the  
Goods of any Person or by Foreign Attachment in any Court of  
Record of any Borough of Ireland.

No Person  
to proceed  
by way of  
Attachment  
against  
Goods.

II. And be it enacted, That from and after the *passing of this Act* No Person to  
no Person shall have Power to attach the Goods of any Defendant attach Goods  
of Defendant  
upon to compel

him to give  
special Bail,  
&c.

upon any Process of Attachment issuing out of any Court of Record of any Borough in Ireland to compel such Defendant to give special Bail, but that in all Cases where the Cause of Action shall amount to the Sum of *Ten Pounds* or upwards the Plaintiff shall proceed by way of Process issuing out of said Court, and returnable to the 5 same on or before a certain Day to be named and specified in the said Process, and shall serve the Defendant or Defendants personally with a Copy of the said Process; and if such Defendant or Defendants shall not appear at the Return of the Process, or within Four Days after such Return, in such Case it shall and may be lawful to and for 10 the Plaintiff or Plaintiffs, upon Affidavit having been made and filed in the said Court of Record of any Borough in Ireland of the personal Service of such Process as aforesaid (which Affidavit shall be filed gratis), to enter a Common Appearance or file Common Bail for Defendant or Defendants, and to proceed thereon as if such Defendant 15 or Defendants had actually appeared.

*Affidavits of  
Service to be  
made before  
Mayor or  
Recorder.*

III. And be it enacted, That such Affidavit of Service of such Process shall and may be made before any Mayor or Recorder of any Borough out of the Court of Record whereof such Process shall issue. 20

*Copy of Pro-  
cess to be  
endorsed.*

IV. And be it enacted, That upon every Copy of such Process to be served upon any Defendant shall be endorsed a Notice to such Defendant to the Intent and Meaning of such Service to the Effect following; that is to say,

‘ A.B. You are served with this Process, to the Intent that you may 25  
‘ by your Attorney appear in the Court of Record of the Borough  
‘ of                      at the Return thereof, being the                      Day  
‘ of                      in order to your Defence in this Action.’

Which said Notice shall be signed by the Attorney of the Plaintiff or Plaintiffs with his Christian and Surname, and thereunto shall be 30 added his Place of Residence, and for which Notice no Fee or Reward shall be demanded or taken.

*On entering  
Common  
Appearance  
Plaintiff or  
his Attorney  
shall join in  
Affidavit of  
Service of  
Process.*

V. Provided always, and be it enacted, That no Plaintiff shall enter a Common Appearance, or file Common Bail for any Defendant unless the Plaintiff or his Attorney, or the Attorney employed for the 35 Purpose of having the Process personally served, shall make Affidavit in Writing that such Plaintiff or Attorney (as the Case may be) knows the Person so swearing to such Service, and that such Plaintiff or Attorney (as the Case may be) believes that such Process has been personally served on the Defendant at such Time as such Person 40 shall have sworn to, and in which Affidavit the Addition and Place of Residence of the Person so swearing to such Service shall be inserted, which said Affidavit shall be filed gratis.

VI. Pro-

VI. Provided always, and be it enacted, That whenever it appears to the Court out of which the Process issues that all due Diligence has been used to have the Process of the Court personally served, yet that under the special Circumstances of the Case appearing to the Court by the Affidavit of the Plaintiff or his Attorney, or the Attorney employed for the Purpose of having the Process personally served, that it was not possible by reasonable Diligence to effect personal Service, that then and in such Case it shall and may be lawful for the Court out of which the Process issues to substitute such other Kind of Service as to them shall seem fit.

VII. And be it enacted, That so much of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, for the Regulation of Municipal Corporations in Ireland, as relates to the Process of Attachment of Goods and the Process of Foreign Attachment in the Courts of Record of Boroughs in Ireland, and is inconsistent with the Provisions of this Act, shall be and the same is hereby repealed.

Court may regulate Service of Process.

Provisions of 3 & 4 Vict. c. 108. relating to Attachments and Foreign Attachments repealed.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.